

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SHAWN McDOWELL,

Petitioner,

v.

9:05-cv-962

**M. GIAMBRUNO,
Superintendent of Wyoming Correctional Facility,**

Respondent.

APPEARANCES:

OF COUNSEL:

SHAWN McDOWELL
Petitioner *Pro Se*

Office of New York State Attorney General
120 Broadway
New York, NY 10271
Counsel for Defendant

Alyson J Gill, Esq.
Lisa E. Fleischmann, Esq.

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge ,
duly filed on the 20th day of November 2009. Following ten days from the service thereof, the
Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-
Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Petition is denied and dismissed.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: December 11, 2009
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge

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